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5 UNITED STATES DISTRICT COURT
6 SOUTHERN DISTRICT OF OHIO
7 WESTERN DIVISION
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9 HENRY WILLIAMS, :
10 :
11 Plaintiff, :
12 :
13 vs. : CASE NO. C-1-02-533
14 :
15 MILTON CAN COMPANY, INC. and :
16 BWAY MANUFACTURING, :
17 :
18 Defendants. :
19 :
20 - - -

21 DEPOSITION

22 of GREGORY JAHNIGEN, taken before me, Kathy J. Nicholson,
23 Registered Professional Reporter and Notary Public in and
24 for the State of Ohio at large, as on cross-examination,
25 at the Hampton Inn, 858 Eastgate North Drive, in the City
of Batavia, County of Clermont, and State of Ohio, on
Tuesday, the 28th day of October, 2003, beginning at 9:04
o'clock, a.m.
- - -

Charlene E. Nicholas & Assoc., Inc.
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Phone: (937) 277-8512 Fax: (937) 275-8177

EXHIBIT

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1 Q. And then the driving portion, recall how long
2 that lasted?

3 A. Maybe twenty or thirty minutes.

4 Q. The refresher course, I assume that was kind of
5 a condensed version to kind of bring what you had already
6 learned back up to the front of your mind?

7 A. Yes.

8 Q. Approximately how long was the refresher course?

9 A. I'm guessing an hour, maybe hour and a half. It
10 was -- actually it was mostly the same stuff we went
11 through in the original training.

12 Q. Do you know if anybody ever got denied their
13 license?

14 A. No, sir, I don't.

15 Q. Do you know if anyone ever got their license
16 taken away for any reckless operation?

17 A. I can only think of one person, and that's Bob
18 Francia.

19 Q. And did he get his license taken away before or
20 after the incident with Jake?

21 A. Before.

22 Q. And tell me the circumstances of what you heard
23 or know about that?

24 A. Okay. I was a steward at the time, and there
25 had been complaints made by individuals in the local. I

1 reported those complaints to Jerry Hanifen who was the
2 chief steward.

3 Q. Okay.

4 A. Jerry Hanifen went to I believe it was Luther
5 Smith who was an assembly foreman and asked him to do
6 something about it.

7 Q. Okay.

8 A. At that time, Bob Francia was called into the
9 office and either was asked to surrender his license or
10 volunteered to surrender his license. I'm not sure
11 exactly which.

12 Q. Okay.

13 A. And for a period of a week, maybe two weeks, he
14 wasn't on a fork truck.

15 Q. Do you know if, well, strike that. Let me go
16 back one second. Did you ever have any instances where
17 you had a problem operating a fork truck, either struck
18 product, struck the plant, or came close to striking a
19 person?

20 A. Me personally?

21 Q. Yes.

22 A. No.

23 Q. Do you know anybody who did besides Bob Francia?

24 A. I'm not sure who actually did the hitting, but I
25 know Gerald Meece, who was a maintenance man in the mid

1 Q. At the time of this incident, do you know what
2 Bob Francia's normal assigned job was?

3 A. At that time, he was assigned to salvage.

4 Q. And do you know what the job duties of someone
5 assigned to salvage are?

6 A. They sort cans, water test cans, restack loads,
7 reticket and band loads, put loads back away, pull loads
8 that are in question out of the warehouse.

9 Q. As part of his duties in salvage, did he
10 regularly operate a fork truck?

11 A. Yes.

12 Q. So that was part of his normal duties?

13 A. Yes.

14 Q. Can you think of any other instances either that
15 you're aware of or that you've heard of involving Bob
16 Francia's operation of a fork truck where he either had a
17 near miss or an actual incident striking product,
18 employees, or the structure of the plant?

19 A. I know there was one incident where he ran a
20 fork truck off the dock.

21 Q. Do you know if that was before he struck Jake?

22 A. Yes.

23 Q. Do you know how long before?

24 A. No, sir. I don't recall, but I believe he
25 received a written warning for reckless operation at that

1 it's a suspension, you've got verbal, written, one-day
2 suspension, three-day suspension. If it happens again,
3 five days pending discharge.

4 Q. Based on your position in the union, have you
5 had to deal with this progressive disciplinary procedure?

6 A. Yes.

7 Q. And probably with regard to grievances and such?

8 A. Yes.

9 Q. Do you know if the company considered each
10 incident to be a single violation, or would they group
11 incidents together to be one violation?

12 A. Generally, they would consider each incident a
13 violation.

14 Q. So to the best of your knowledge, the broken
15 gauge would be one incident?

16 A. Yes.

17 Q. The driving the fork truck off the dock would be
18 a second incident?

19 A. Yes.

20 Q. The near miss with the employee that was taken
21 to management by Hanifen would be another incident?

22 A. Yes.

23 Q. The incident involving Mike Garner would be yet
24 another incident?

25 A. Yes. Now, one thing to keep in mind from the

1 would go to like the punch press foreman or the assembly
2 foreman or the maintenance foreman or the electrical
3 foreman.

4 Q. Foreman being a member of management?

5 A. Yes.

6 Q. To the best of your recollection, was the issue
7 of Bob Francia's questionable driving ever brought up at
8 one of those safety meetings?

9 A. Not that I'm aware of.

10 Q. Was the safe operation of fork trucks ever
11 brought up at one of those safety meetings?

12 A. Not that I'm aware of.

13 Q. Do you know if a violation of one of the safe
14 operation rules was ever listed as one of the talking
15 points on the walk through?

16 A. Not that I'm aware of.

17 Q. Going back to the incident where some employees
18 had come to you with concerns about Bob.

19 A. Yes.

20 Q. And you went to Mr. Hanifen.

21 A. Yes.

22 Q. Do you remember who those employees were?

23 A. No, sir, I don't.

24 Q. Once you took those concerns to Mr. Hanifen, and
25 assuming Mr. Hanifen took those issues to management, was

1 STATE OF OHIO :

2 : SS C-E-R-T-I-F-I-C-A-T-E


3 COUNTY OF MONTGOMERY :

4
5 I, Kathy J. Nicholson, a Registered Professional
6 Reporter and Notary Public in and for the State of Ohio at
7 Large, duly commissioned and qualified;

8 DO HEREBY CERTIFY that the above-named GREGORY
9 E. JAHNIGEN, was by me first sworn to testify to the
10 truth, the whole truth, and nothing but the truth; that
11 his testimony was recorded by me in stenotype and
12 thereafter reduced to typewriting; and was taken at the
13 time and place hereinabove set forth.

14 I FURTHER CERTIFY that I am not a relative or
15 attorney of either party, nor in any manner interested in
16 the event of the action.

17 IN WITNESS WHEREOF I have hereunto set my hand
18 and affixed my seal of office on the 7th day of
19 November, 2003.

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22 
23 KATHY J. NICHOLSON, RPR
24 NOTARY PUBLIC, STATE OF OHIO
25 My commission expires 8/24/07